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The scope and application of the principle of universal jurisdiction

Letter dated 12 August 2010 from the Permanent Representative of Madagascar to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the political agreement signed at Antananarivo by the different political parties on 9 August 2010 in order to resolve the crisis and permit the holding of free, credible, transparent and democratic elections in Madagascar.

I would appreciate it if you would have the aforementioned document circulated to all those concerned.

(*Signed*) Zina **Andrianarivelo-Razafy**
Permanent Representative

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Please recycle

Annex to the letter dated 12 August 2010 from the Permanent Representative of Madagascar to the United Nations addressed to the President of the General Assembly

Political agreement

Preamble

11 August 2010

Gathered at the Ivato International Conference Centre,

Determined, in the best interests of the nation, to work together and to join their efforts in the search for a crisis exit solution,

Acknowledging unanimously that the fact that Mr. Andry Nirina Rajoelina is not standing in the upcoming elections offers a complete guarantee of neutrality,

Resolved to end the transitional regime as soon as possible,

Convinced that the holding of free, credible, transparent and democratic elections is the only way to achieve this goal;

The signatories,

Mr. Andry Nirina Rajoelina, President of the High Transitional Authority,

and

The political parties and associations listed in the annex to the present agreement,

Agree as follows:

I. General principles

Article 1

This political agreement is guided by the following principles:

(a) The agreement may be modified as the inter-Malagasy dialogue progresses;

(b) The framework within which it is modified and its implementation through a "new inclusiveness" are grounded in the identity of each political party and based on an iterative, interactive, interdependent and accountable process that is open to the proposals of the various stakeholders, including:

- The population as a whole;
- The ray aman-dreny;
- Civil society;
- Economic stakeholders;
- All political parties and associations;
- The armed and security forces;
- Religious leaders;

– The media;

– The international community; and

– Members of the current Transitional Authority.

Article 2: Return to constitutional order

The political parties and associations have noted that the repeated crises that have arisen in Madagascar since 1972 have resulted from the lack of a broadly shared vision.

Accordingly, the political parties and associations, wishing to learn from the past, strongly confirm the need to draft a new constitution to mark the beginning of the Fourth Republic.

Article 3: Inclusion in the crisis exit process begun by civil society

In order to facilitate the inclusion of political parties and associations in the process begun by civil society, the latter must take into account the Manifesto of the Political Parties and Associations that the political parties have already submitted and, in addition, provide a firm timetable for the various steps in the processes.

Civil society must be supported by the international community with respect for the neutrality, impartiality and objectivity of the crisis exit process.

Civil society is invited to join the political parties and associations in establishing the terms of reference of the Fihaonambem-Pirenena.

Article 4: Adoption of the future Constitution

The main principles of the new Constitution shall be established by the Fihaonambem-Pirenena, based on the proposals made by the political parties and associations.

The draft or drafts of the Constitution shall be drawn up in accordance with the resolutions of the Fihaonambem-Pirenena and shall be put to a referendum.

This referendum must, however, be preceded by a broad public awareness-raising campaign.

Article 5: Elections: timetable and modalities

With a view to establishment of the institutions of the Fourth Republic, the political parties and associations agree to the holding of free, transparent and democratic elections on the following timetable:

– 30 August to 3 September 2010: holding of the Fihaonambem-Pirenena

– 17 November 2010: constitutional referendum

– 16 March 2011: legislative elections

– 4 May 2011: presidential election (first round).

Article 6: Suggested topics for discussion at the Fihaonambem-Pirenena

It is suggested that the Fihaonambem-Pirenena should discuss and propose resolutions on the following topics:

(a) The Constitution of the Fourth Republic (models and regimes);

(b) Amnesty;

(c) National reconciliation;

(d) The status of the opposition;

(e) The secularity of the State;

(f) Impunity;

(g) The High Court of Justice;

(h) Territorial division;

(i) Inclusiveness through respect for parity;

(j) Agreements aimed at combating insecurity; and

(k) Cultural identity.

Other important documents to be reviewed include:

(l) The Electoral Code;

(m) The Media Code;

(n) The Act on Competition; and

(o) The Act on Political Parties and Their Financing.

In a spirit of consensus and inclusiveness and with a view to their implementation, these resolutions, once adopted by the Fihaonambem-Pirenena, shall be the subject of draft legislation submitted to the Transitional Parliament.

Interaction with civil society, organizer of the Fihaonambem-Pirenena, must take into account:

- The way in which the delegates to this conference shall be selected;
- Political parties' access to the outcomes and summaries of the work of the Dinika Santatra; and
- The management of and methodology for the conferences.

II. Management of the transition

Article 7: Institutions and bodies

The institutions and bodies of the Transitional Authority are responsible for the proper functioning of the State.

7.1 Mr. Andry Nirina Rajoelina shall continue to exercise the functions of Transitional President until the President of the Fourth Republic is sworn in.

The Government shall be led by a Prime Minister to be appointed by the Transitional President from among the public figures proposed jointly by the political parties and associations.

The members of Government shall be appointed by the Transitional President, on the recommendation of the Prime Minister, from among the public figures selected and proposed by the signatory political parties and associations.

7.2 A Transitional Parliament, the members of which shall be appointed by the Transitional President, shall be installed. It shall consist of an upper chamber and a lower house.

The High Transitional Authority, transformed into a High Transitional Council, shall be expanded to include the public figures proposed by the signatory political parties and associations.

All the signatory political parties and associations shall be represented in the lower house, known as the Transitional Congress.

7.3 The High Constitutional Court, in its current form, shall continue to operate until the institutions of the Fourth Republic have been put in place.

7.4 The members of the National Independent Electoral Commission shall be confirmed in their posts, subject to any duly founded complaint from any of the organizations that proposed their appointment.

The number of representatives of political parties shall be increased.

7.5 The parties agree on the need to bring about national reconciliation. The National Reconciliation Committee, whose members shall include members of political parties and associations, civil society, religious groups and traditional societies, shall be established in accordance with the recommendations of the Fihaonambem-Pirenena. Its priority programmes of action shall be considered during the Fihaonambem-Pirenena.

7.6 Throughout the transition, no proceedings aimed at the impeachment or removal of the Transitional President, motion of censure against the Government or dissolution of the parliamentary assemblies may be instituted.

Article 8: Confidence-building measures

Proposed confidence-building measures, including the release of political prisoners, amnesty and reopening of the sanctioned media, shall be submitted to the competent authorities (Fihaonambem-Pirenena, the competent court and the two houses) for action, with adequate support measures to make social peace sustainable.

All political acts against the public order shall be prohibited. The parties undertake to abstain from any act of provocation.

Article 9: Duration of electoral campaigns

The signatory parties have agreed that the legislative and presidential election campaigns shall be of thirty (30) days' duration.

III. Final provisions

Article 10: Final provisions

This agreement, which shall enter into force on the date on which it is signed, shall remain open for signature by political parties and associations. The signatory parties undertake to implement and respect the provisions of this agreement.

Signed: André **Resampa**, representing the President of the High Transitional Authority, Mr. Andry Nirina **Rajoelina**

Political meeting of 9 August 2010

Ivato International Conference Centre

No.	List of participating political parties
1	ACEM
2	AFN-TZV
3	AJMJ
4	AKFM
5	AKFM Fanavaozana
6	Ampela Manao Politika
7	AMSM
8	Antoko Miombona Ezaka
9	ANTSO
10	Antson'ny Malagasy
11	Arema
12	Arema Matotra
13	Association XASIA
14	AVI
15	CAP
16	CDIM
17	Credo Mahajanga
18	DHD Madagasikara
19	ENINA
20	FAFI
21	Fanarenana
22	FIDEM
23	Fihavanatsika
24	FMV
25	FPFM
26	FRDL
27	GCNSD
28	GJEHE
29	GJEHR
30	GJMD
31	GLM

32 GRAD Iloafo

33 Hasin'i Madagasikara

34 Hasin'ny Fiarahamonina

35 HFSM

36 KMD

37 KOFA

38 LEADER-Fanilo

39 Liaraike

40 M.MA.MI

41 Madagasikarantsika

42 MAFI

43 Malagasy Mifanaja

44 Malagasy Mivondrona Mitolona

45 Malagasy Tonga Saina

46 MAMAFISOA

47 MAMI

48 MATSILO

49 MAYE

50 MCDM

51 MDM

52 Miharo Safiry (MISA)

53 MJIOFI

54 MTM

55 NATIORA

57 PDCM

58 PFM

59 PNJ

60 PRP

61 PSDUM

62 RAM

63 RCRDM

64 RDMMR

65 Reny Bezanozano Mandray Andraikitra

66 Rodobe Matsilo

67 RPM

68 RPN

69 RPSD

70 RPSD-Vaovao

71 SFDM

72 SO.FE.MA

73 Tamami

74 Tambatra

75 TGV

76 TIM

77 UJPM

78 USDM

79 VAM

80 VITM

81 VM

82 VVSV

83 Zanak'Antsiranana

84 Manolotsoa

85 Masters

86 GNC

87 AJED

88 UJPM

89 ITOTAAL

90 FDF

91 Adhem-Fizafa Madagascar

92 MRODM

94 FMA